



**FILE COPY**

Office - Supreme Court, U.  
**FILED**

**MAR 1 1949**

**CHARLES ELMORE** CLERK

**IN THE**  
**Supreme Court of the United States**

**OCTOBER TERM, A. D. 1948**

---

**No. 462**

---

**FRANK C. GIERENS**  
**AND**  
**NICHOLAS J. FERENCAK**  
*Petitioners,*  
**vs.**

**PEOPLE OF THE STATE OF ILLINOIS**  
*Respondent.*

---

**ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT  
OF ILLINOIS.**

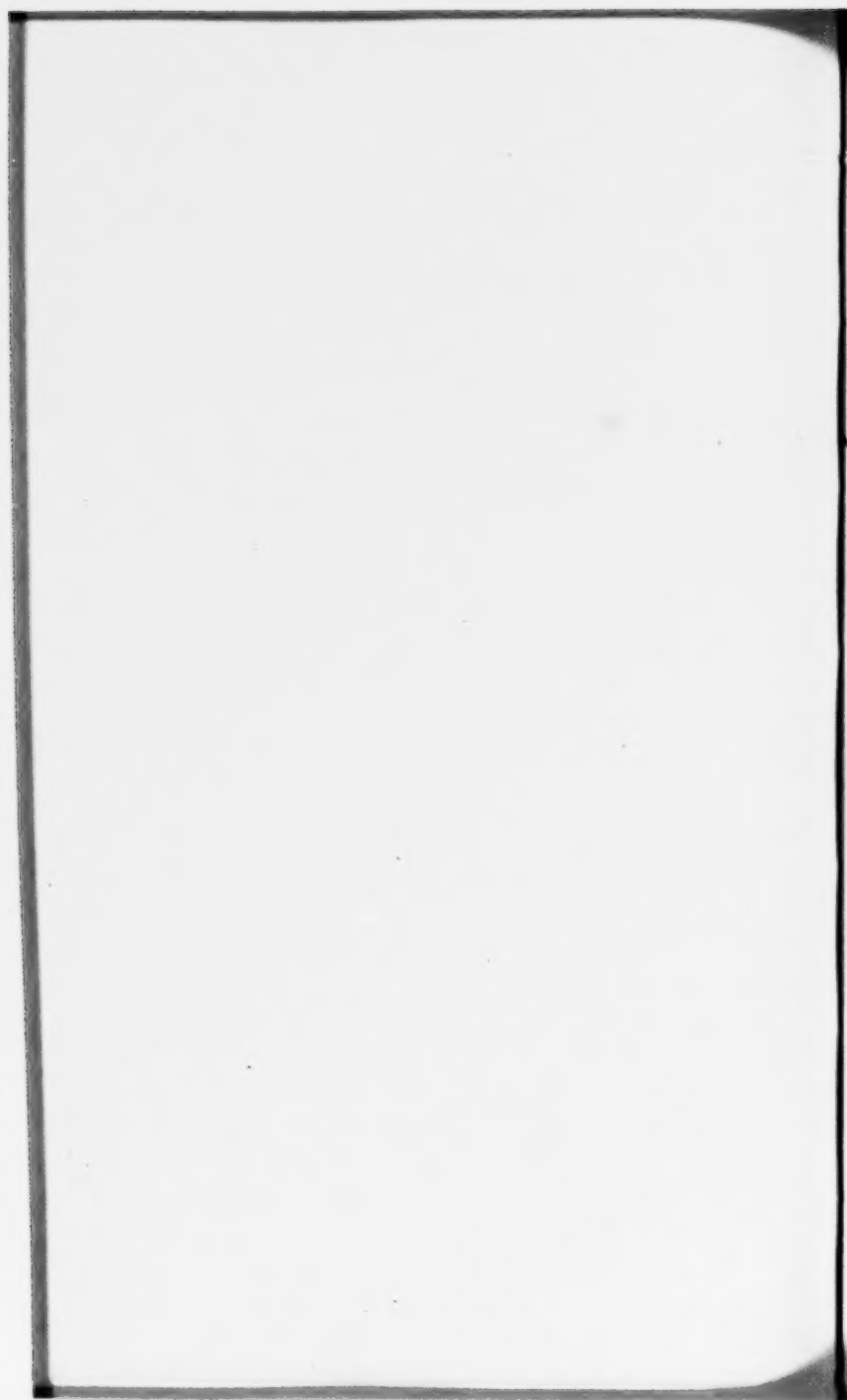
---

**MOTION OF PETITIONERS FOR  
LEAVE TO FILE INSTANTER THEIR PETITION  
FOR REHEARING SUPPORTED BY AFFIDAVITS OF  
THEIR COUNSEL.**

---

**EVERETT JENNINGS,**  
*Counsel for Petitioners.*

**WILLIAM L. CARLIN,  
LOUIS A. ROSENTHAL,  
WM. SCOTT STEWART,**  
*Of Counsel.*



IN THE  
**Supreme Court of the United States**

OCTOBER TERM, A. D. 1948

---

**No. 462**

---

**FRANK C. GIERENS**

AND

**NICHOLAS J. FERENCAK**

*Petitioners,*

*vs.*

**PEOPLE OF THE STATE OF ILLINOIS**

*Respondent.*

---

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT  
OF ILLINOIS.

---

**MOTION OF PETITIONERS FOR  
LEAVE TO FILE INSTANTER THEIR PETITION  
FOR REHEARING SUPPORTED BY AFFIDAVITS OF  
THEIR COUNSEL.**

---

MOTION.

STATE OF ILLINOIS }  
COUNTY OF COOK } ss

Now come petitioners, Frank C. Gierens and Nicholas J. Ferencak, by Wm. Scott Stewart, one of their counsel, and moves this Honorable Court to allow petitioners herein to

file instant the petition for rehearing, and in support of this, petitioners hereto attach and tender with this motion the affidavits of their counsel.

FRANK C. GIERENS,  
NICHOLAS J. FERENCAK,  
*Petitioners.*

By  ..  
WM. SCOTT STEWART,  
*Counsel.*

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, A. D. 1948

---

No. 462

---

FRANK C. GIERENS  
AND  
NICHOLAS J. FERENCAK  
*Petitioners,*  
*vs.*  
PEOPLE OF THE STATE OF ILLINOIS  
*Respondent.*

---

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT  
OF ILLINOIS.

---

AFFIDAVIT.

STATE OF ILLINOIS }  
COUNTY OF COOK, } ss

Wm. Scott Stewart, being first duly sworn, on oath deposes and states that he is duly licensed to practice law in the State of Illinois and the Supreme Court of the State of Illinois, and that he has been duly admitted to the Supreme Court of the United States to practice before this Honorable body.

Affiant further states that he was engaged by the petitioners above named to prepare and file a petition for rehearing on their behalf. That said petition for rehearing

is ~~practically~~ complete for ~~forwarding~~ filing in this Honorable Court.

Your affiant further states that it had been his understanding of the rules of this Honorable Court relating to petition for rehearing, that petitioners had twenty-five (25) days to file petition for rehearing within twenty-five (25) days after judgment or decision. That on wit the 19th day of February, 1949, affiant was advised by the Clerk of this Honorable Court that the rule governing the filing of petitions for rehearing were amended to the extent that the time for the filing of stated petitions for rehearing was reduced to fifteen (15) days. This affiant states that he was unfamiliar with the revised rule.

Wherefore, affiant most respectfully prays that an order may be entered herein allowing petitioners to file instant petition for rehearing in this cause.

*Wm. Scott Lewis*

Subscribed and sworn to before me this 25th day of February, 1949.

*William H. Cook*

Notary Public.

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, A. D. 1948

---

No. 462

---

FRANK C. GIERENS  
AND  
NICHOLAS J. FERENCAK

*Petitioners,*

*vs.*

PEOPLE OF THE STATE OF ILLINOIS

*Respondent.*

---

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT  
OF ILLINOIS.

---

AFFIDAVIT.

STATE OF ILLINOIS }  
COUNTY OF COOK } ss

William L. Carlin, being first duly sworn, on oath deposes and states that he is duly licensed to practice law in the State of Illinois and the Supreme Court of the State of Illinois. Affiant further states that he is one of original counsel for the petitioners herein, together with Louis A. Rosenthal and Everett Jennings.

Affiant further states that the said petitioners engaged Wm. Scott Stewart as additional counsel for the petitioners



herein to prepare and file a petition for rehearing on their behalf.

Affiant further states that he, together with his co-counsel, Louis A. Rosenthal and the said Everett Jennings, were not familiar with the amended rule of this Honorable Court changing the time of the filing of petition for rehearing in this Honorable Court and were of the belief that the petitioners had twenty-five (25) days from the judgment or decision of the said Justices of the Supreme Court of the United States in which to file a petition for rehearing on behalf of the petitioners herein, and it was not until the 19th day of February, 1949, when the Clerk of the United States Supreme Court advised the said Wm. Scott Stewart that the time in which the petition for rehearing may be filed was reduced to fifteen (15) day by virtue of said amended rule governing the filing of petitions for rehearing.

Wherefore, this affiant most respectfully prays that the motion of the petitioners herein to file for petition for rehearing be granted.

*William C. ...*

Subscribed and sworn to before me this 25th day of February, 1949.

*Louis A. Rosenthal*  
Notary Public.